

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 183

## **SENATE BILL 1219**

AN ACT

CHANGING THE DESIGNATION OF TITLE 44, CHAPTER 9, ARTICLE 17, ARIZONA REVISED STATUTES, TO "CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION"; AMENDING SECTIONS 44-1373, ARIZONA REVISED STATUTES; RELATING TO CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 44, chapter 9, article 17, Arizona Revised  
4 Statutes, is changed from "CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS" to  
5 "CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION".

6 Sec. 2. Section 44-1373, Arizona Revised Statutes, is amended to read:

7 44-1373. Restricted use of personal identifying information:

8 civil penalty; definition

9 A. Except as otherwise specifically provided by law, beginning on  
10 January 1, 2005, a person or entity shall not:

11 1. Intentionally communicate or otherwise make an individual's social  
12 security number available to the general public.

13 2. Print an individual's social security number on any card required  
14 for the individual to receive products or services provided by the person or  
15 entity.

16 3. Require the transmission of an individual's social security number  
17 over the internet unless the connection is secure or the social security  
18 number is encrypted.

19 4. Require the use of an individual's social security number to access  
20 an internet web site, unless a password or unique personal identification  
21 number or other authentication device is also required to access the site.

22 5. Print a number that the person or entity knows to be an  
23 individual's social security number on any materials that are mailed to the  
24 individual, unless state or federal law requires the social security number  
25 to be on the document to be mailed. This paragraph does not prohibit the  
26 mailing of documents that include social security numbers sent as part of an  
27 application or enrollment process or to establish, amend or terminate an  
28 account, contract or policy or to confirm the accuracy of the social security  
29 number. In a transaction involving or otherwise relating to an individual,  
30 if a person or entity receives a number from a third party, the person or  
31 entity has no duty to inquire or otherwise determine if the number is or  
32 includes that individual's social security number. The person or entity may  
33 print that number on materials that are mailed to the individual, unless the  
34 person or entity that received the number has actual knowledge that the  
35 number is or includes the individual's social security number. This  
36 paragraph does not prohibit the mailing to the individual of any copy or  
37 reproduction of a document that includes a social security number if the  
38 social security number was included on the original document before  
39 January 1, 2005.

40 B. Notwithstanding subsection A, a person or entity that before  
41 January 1, 2005 used an individual's social security number in a manner  
42 inconsistent with subsection A may continue using that individual's social  
43 security number in that manner on and after January 1, 2005 subject to the  
44 following conditions:

1           1. The use of the social security number must be continuous. If the  
2 use is stopped for any reason, subsection A applies.

3           2. Beginning in 2005, the person or entity must provide the individual  
4 with an annual written disclosure of the individual's right to stop the use  
5 of the social security number in a manner prohibited by subsection A.

6           3. If the individual requests in writing, the person or entity must  
7 stop using the social security number in a manner prohibited by subsection A  
8 within thirty days after receiving the request. No fee or charge is allowed  
9 for implementing the request, and the person or entity shall not deny  
10 services to the individual because of the request.

11          C. This section does not prohibit the collection, use or release of a  
12 social security number as required by the laws of this state or the United  
13 States or for internal verification or administrative purposes.

14          D. Beginning on January 1, 2005, this state or any political  
15 subdivision of this state shall not use an individual's social security  
16 number on state issued or political subdivision issued forms of  
17 identification.

18          E. This section does not prohibit an agency of this state or a ~~county,~~  
19 ~~city, town or other~~ political subdivision of this state from disseminating or  
20 using the last four numbers of an individual's social security number.

21          F. A government agency shall not transmit to an individual material  
22 that contains both an individual's social security number and bank, savings  
23 and loan association or credit union account number. This ~~paragraph~~  
24 SUBSECTION does not prohibit the transmitting of documents that include  
25 social security and bank, savings and loan association or credit union  
26 account numbers as a part of an application or enrollment process or to  
27 establish, amend or terminate an account, contract or policy or to confirm  
28 the accuracy of the social security, bank, savings and loan association or  
29 credit union account number.

30          G. EXCEPT AS OTHERWISE PROVIDED BY LAW, DOCUMENTS OR RECORDS THAT ARE  
31 RECORDED AND MADE AVAILABLE ON THE RECORDING ENTITY'S PUBLIC WEB SITE AFTER  
32 THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION SHALL NOT CONTAIN MORE  
33 THAN FIVE NUMBERS THAT ARE REASONABLY IDENTIFIABLE AS BEING PART OF AN  
34 INDIVIDUAL'S SOCIAL SECURITY NUMBER AND SHALL NOT CONTAIN AN INDIVIDUAL'S:

35           1. CREDIT CARD, CHARGE CARD OR DEBIT CARD NUMBERS.

36           2. RETIREMENT ACCOUNT NUMBERS.

37           3. SAVINGS, CHECKING OR SECURITIES ENTITLEMENT ACCOUNT NUMBERS.

38          H. ONLY THE ATTORNEY GENERAL OR A COUNTY ATTORNEY, OR BOTH, MAY  
39 COMMENCE A LEGAL ACTION FOR A VIOLATION OF THIS SECTION.

40          I. A PERSON OR ENTITY IS SUBJECT TO A CIVIL PENALTY OF UP TO FIVE  
41 HUNDRED DOLLARS FOR EACH ACT OF RECORDING THAT VIOLATES SUBSECTION G. THE  
42 CIVIL PENALTY SHALL NOT APPLY TO A PERSON OR ENTITY THAT TRANSMITS THE  
43 DOCUMENT FOR RECORDING BUT HAS NO AUTHORITY FOR THE CREATION OF THE DOCUMENT.

44          J. A COUNTY AGENCY IS NOT SUBJECT TO CIVIL LIABILITY FOR ANY ACTION  
45 RELATING TO INFORMATION RECORDED PURSUANT TO SUBSECTION G.

1           ~~G.~~ K. For the purposes of this section, "individual" means a resident  
2 of this state.  
3           Sec. 3. Effective date  
4           This act is effective from and after December 31, 2006.

**APPROVED BY THE GOVERNOR APRIL 21, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2006.**